



Comments on the National Identification and Registration Act

General Comments

JAMPRO would like to commend the Office of the Prime Minister on formulating the National Identification and Registration System (NIRS) Act and the Parliament for providing us with the opportunity to comment on the document.

The NIRS Act proposes a unique, secure and reliable way for verifying the identity of individuals by establishing a database of all Jamaican citizens and the issuance of a unique lifelong National Identification Number to every person. At present, Jamaica does not have a central national database with the accompanying systems to support verification and authentication. As such, the purpose of the National Identification Databases (NIDs) to establish a reliable database of Jamaican citizens and other individuals ordinarily resident in Jamaica is timely. JAMPRO supports the establishment of the NIDS as a mechanism that will seek to enhance the efficiency and effectiveness of Government entities and the management and delivery of Government services to the public.

One area that was not explored seemed to be whether the NIDs will allow for the tracking of personal information alongside business information. So, for e.g., if a person uses their National Identity Card to register a business as a sole proprietor, will the database show that they registered ABC Company in 2016, or whether they registered a particular motor vehicle with the Tax Administration in 2012, will that information be stored in the database?

Other comments are outlined below:

Specific Substantive Comments and Suggestions

1. Section 3 (f) – rephrase sentence to read “... provide for the issue **and renewal** of...”
2. Section 4 (1)(a) – the word ‘citizens’ should either be added to the earlier list of definitions or the relevant Act be cited as is done for (b)
3. Section 6 -
 - a. (f) – rephrase the sentence to say “Give directions to **and monitor the performance of the Chief...**”
 - b. (j) – seems like a repeat of (c)
4. Section 7 – Is it usual for legislation to allow for Ministerial interference? This should be revised to ensure that final decisions are not left to Ministerial discretion.
5. Section 9 (6) – it should be clear that ‘in writing’ will be accepted electronically.
6. Section 10 (2)(a) – this section should articulate how third parties are advised of this cancellation where applications or third-party processes were initiated, or approvals granted on the basis of the NIDS enrolment and presentation of a NID Card.
7. Section 12 (2) – the TRN should be included on this list.
8. Section 14 -
 - a. (4)(a) – the Act should speak to re-enrolment on the basis of an appeal that is won.

- b. (5)(a) – uncertain of the necessity of (b) in the sentence – couldn't it be a single sentence rather than parts (a) and (b)?
 - c. (6)(b) notification is already dealt with in Section 14 (3). That sub-section did not however mention the ability to reapply and that should perhaps be merged into (3) if (6)(b) is to be deleted. It is also being suggested that the notification to reapply be contextualised to say: 'when they become eligible' or 'when the situation giving rise to the cancellation has changed.'
 - d. (8)(b) – if (i) also refers to the Data Protection Act, then part (ii) "...of the data Protection Act" should be removed from (ii) and placed after as a general phrase to cover both (i) and (ii)
9. Section 15 (2)(a) – For security purposes, there is a concern regarding the randomly selected numbers that will be used to formulate the identification number without any identifying numbers. These numbers, unlike the current birth certificate (for e.g.), will not contain any digits that relate to an attribute of the enrolled individual which make them harder for fraudulent numbers to be caught. In other words, if there are no patterns or attributes associated with this number, there is a concern for how easy it might be for a fraudulent number to be created.
10. Section 16 (11)(a) – if the part "and shall be liable...." also applies to (a), then it must be separated to cover both clauses.
11. Section 20 (1) – add 'if the registration was cancelled' to the list.
12. Section 24 –
- a. At a minimum, persons should be notified where a judge approves access to personal data. Ideally, the judge should ensure approval from the person has a basis of their own approval. This is fundamental to the integrity of the system and the trust given by citizens in registering their data.
 - b. (5) – can the method of destruction be disclosed?
 - c. (11) – This seems a bit onerous on the judicial system. Consideration should be given to ensure that these checks are done by the Authority.
13. Section 25 –
- a. (1)(b) –
 - i. it is suggested that the following is added at the end: ". . . that individual, which presents to the Authority the data to be verified."
 - ii. There should be a standard form of consent (a form that is used by the individual)
 - b. (3) –
 - i. Accreditation should be reserved for institutions rather than people.
 - ii. Government agencies should have automatic accreditation.
 - iii. Should there be a specific process for accreditation?
 - c. (6) – it needs to be clear as to what information cannot be shared under this mode. Is it referring to fingerprints, residential details, etc?
14. Section 27 –
- a. (b) – does 'monitor the performance of the Authority' include performance of the Board?
 - b. (e) It is suggested that the Inspectorate only interacts with the Board, who then directs the CEO in an effort to prevent any potential conflict in directives to the CEO.
15. Section 30 – The Official Secrets Act could be mentioned here.
16. Section 31 – It seems like the (b) should be split so that (a) is also covered by clauses mentioned only in (b).

17. Section 36 – If there is a Board in law for the Registrar General’s Department – how is that now treated under this Act?
18. First Schedule – Part I – Section 3(1) – should this refer to the approval of the Ministry responsible for the Public Service Ministry in employing officers in the Authority?
19. First Schedule – Part I – Section 3(3) – Is this a usual power for the Governor General to have in legislation such as these? It seems like an overstep.

Other Minor Comments

1. Section 3 (b) – remove comma after “in”
2. Section 9 (3) – remove the comma after ‘evidence’.
3. Section 9 (8) (c) – insert space after comma.
4. Section 9 (11) – the English spelling of the word programme should be used in Jamaican legislation, not the US spelling, 'program'.
Section 11 (c)(iv) – the word '**Scheme**' is to be inserted after ‘Insurance’ as it is the NIS number not the NI number
5. Section 14 (6)(b) – insert the word '**immediately**' after the word 'shall'
6. Page 42 – ‘Schedule’ should be '**First Schedule**' and immediately followed by '**Part I**' given the layout of the other parts.